

REMARKS

Applicant acknowledges, with appreciation, the indication that claims 1-3, 5-11, 13-19, 22-27, 29-32 and 34-41 contain allowable subject matter. Claims 1-3, 5-11, 13-19, 22-27, 29-32 and 34-41 are now presented for examination, with claims 1, 10, 22, 31 and 40 being in independent form. Claims 1, 10, 11, 22, 31 and 40 have been amended. No new matter has been added. Reconsideration of the application, as amended, is respectfully requested.

The Examiner indicated he examined the copy of the International Application and the International Search Report filed on filed on December 28, 2004, but has failed to locate the copy of FR 2 748 184 and FR 2 738 695 cited in the International Search Report. As a result, the Examiner has refused to consider the FR 2 748 184 and FR 2 738 695 references that were cited in the International Search Report.

Applicants respectfully disagree, and repeat that MPEP §609.03 states:

The examiner will consider the documents cited in the international search report in a PCT national stage application *when the Form PCT/DO/EO/903 indicates that both the international search report and the copies of the documents are present in the national stage file.* In such a case, *the examiner should consider the documents from the international search report and indicate by a statement in the first Office action that the information has been considered.*
(Emphasis Added)

In any event, in the interest of advancing prosecution on the merits, an Information Disclosure Statement (IDS) is being filed concurrently with the instant amendment which includes the FR 2 748 184 and FR 2 738 695 documents. An acknowledgement of the receipt, entry and consideration of this IDS is respectfully requested.

Claims 1-3, 5-11, 13-19, 22-27, 29-32 and 34-41 stand rejected under 35 U.S.C. §112, second paragraph, as indefinite for failure to particularly point out and claim the subject matter which applicant regards as the invention.

The Examiner (pg. 3 of the Office Action) has stated that “[i]t is unclear how one of ordinary skill in the art would calculate the adaptation step μ_n when the relationship involving P_{1n} , P_{3n} and a first coupling variable COR2 is not provided therein”. In addition, the Examiner has required applicants to add the word “wherein” at the end of the independent claims.

In response to this rejection applicants have amended independent claim 10 to recite the limitation “wherein the adaptation μ_n of the identification filter is calculated as a function of the estimated powers P_{1n} , P_{3n} and as a function of the first coupling variable COR2”. That is, the association of “adaptation” with the word “step” has been eliminated. In addition, independent claims 1, 10, 22, 31 and 40 have been amended to add the word “wherein” at the end of the each claim. Withdrawal of this rejection is therefore in order.

Since independent claims 1, 10, 22, 31 and 40 were indicated to contain allowable subject matter, as noted previously, Applicants submit that claims 1, 10, 22, 31 and 40 as now amended, are in condition for allowance.

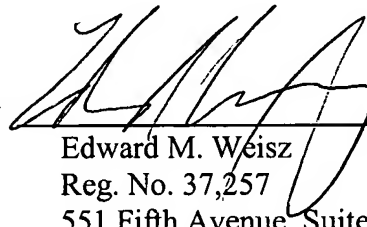
Dependent claims 2-3, 5-11, 13-19, 23-27, 29-32 and 34-39 and 41 variously depend from independent claims 1, 10, 22, 31 and 40 and are therefore allowable because the independent claims are allowable. No new matter has been added by way of this amendment. Reconsideration of the application, as amended, is respectfully requested.

Applicants respectfully submit that this application is in condition for allowance, and such action is respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By

A handwritten signature in black ink, appearing to read 'E. Weisz', is written over a horizontal line.

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